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The Constitutional and Political History of the United States.

By DR. H. VON HOLST. Translated from the German by JOHN J. LALOR. 1859-1861 : Harper's Ferry-Lincoln's Inauguration. Chicago, Callaghan & Co., 1892. — v, 459 pp.

This is the final volume of a work that has had and will have in the future a most profound influence on historical scholarship in America. Whether accepting or rejecting Professor von Holst's conclusions, American scholars must admit that he has placed the discussion of our constitutional development on a very high plane. It is the belief of the reviewer, as of probably a majority of American students of our history, that the author's interpretation of that history, so far as the slavery question is concerned, is radically wrong. A demonstration of this belief will require research more extensive, philosophy more profound, a dialectic no less subtle and moral earnestness no less sincere than that revealed in Professor von Holst's volumes. That these qualities will in time be forthcoming, there can be little doubt ; to have stimulated their manifestation will be the author's highest glory.

The present volume consists essentially of four groups of essays on incidents occurring between October, 1859, and March 4, 1861. The subjects considered are Helper's *Impending Crisis* and John Brown's raid, the party conventions and the elections of 1860, the errors of Republicans and Secessionists in reference to the probable effects of secession, and finally the attitude of Buchanan's administration and Congress on the withdrawal of the Southern states.

As to Helper's book and the Republican endorsement of it for campaign purposes, the author's judgment is somewhat of a surprise. His ingenuity in justifying anti-slavery manœuvres and in saddling responsibility for all our woes upon the slavocracy has been so conspicuous, that the reader is unprepared for such an opinion as this :

The recommendation of it [Helper's book] . . . by sixty-eight Republican representatives . . . was unquestionably an aggressive intermeddling in the domestic affairs of the slave states, whether they so intended it or not.

It is quite certain, however, that the final clause, which aims to save the virtue of the Congressmen at the expense of their intelligence, would not have appeared if they had been slavocrats.

Professor von Holst's view of John Brown and the Harper's Ferry incident are already familiar through a separate monograph (reviewed

in this *QUARTERLY*, vol. iv, p. 322). He regrets in a foot-note an apparent tendency away from the Abolitionist and war-time conception of Brown and his work, and feels confident that deep research will always confirm the apotheosis of Brown which is transferred from contemporaneous anti-slavery publications to the author's text. A necessary support of the moral-martyr view of Brown is the explanation of Southern feeling after Harper's Ferry that is embodied in the following passages :

The stroke had been dealt by not quite two dozen men; . . . it was a blow in the air . . . ; and yet the news of the occurrence had made the blood rush back to the hearts of these millions, who, in personal courage, stood second to no people on earth, as quickly as would the sudden appearance of some monstrous danger. Such an effect from such a cause can be explained only on the supposition that John Brown's act had sounded an alarm in every conscience that awakened it from its sleep. . .

[The South's] momentary involuntary terror was an annihilating condemnation of that institution [slavery].

Some months ago much less than "two dozen men" — in fact a single individual — appeared in the office of a wealthy New Yorker and made a demand based on a view that private property in movables was immoral. On refusal of his demand, he dropped a dynamite bomb and destroyed several lives, including his own, and considerable property. "It was a blow in the air," so far as the institution of private property was concerned; and yet a thrill of terror ran through the hearts of hundreds of thousands of property owners of the utmost personal courage. The future historian, after a diligent perusal of the Anarchistic press of the day, will doubtless explain "such an effect from such a cause" as due solely to the awakening of conscience in the guilty owner of property, and the involuntary terror as "an annihilating condemnation of the institution."

The chapters touching the party conventions are characteristically lacking in any connected narrative of events, and at the same time characteristically rich in suggestions drawn from the study of episodes ordinarily left hidden in the shadow of the great spectacular incidents with which the period is crowded. While Professor von Holst perhaps overestimates at times the importance of Congressional debates, it cannot be denied that he has a marvelous faculty for tracing the play of political forces in the legislative activity of political leaders. Several instances occur in this volume where incidents in Congress, hitherto slightly regarded, are made to

throw very considerable light on the affairs of the time in the field of party politics.

Douglas, of course, continues in this volume to be the author's heavy villain. The Illinois senator's motion and speech in the Senate looking to some measure for protecting a state against conspiracies and invasions like John Brown's, are declared by Professor von Holst to constitute "a monument of infamy, compared with which the Kansas-Nebraska Bill scarcely deserves to be mentioned." Only those who have read the professor's account of the bill in question can fully appreciate the plight to which the unfortunate senator is reduced by this comparison.

In his seventh and eighth chapters the author treats of the wrong calculations of Republicans and Secessionists respectively, in the doubtful time following Lincoln's election. Here the author is at his best, and, keeping more or less in the background his Abolitionist sympathies, he presents an admirable summary of the excited thinking of the period. There is of course an underlying tone of suggestion that Republican errors were the natural outgrowth of noble aspirations, while the degrading influence of slavery was largely responsible for the mistakes of the Secessionists. So on pages 273 and 274 we are treated to a contrast of the "Puritanic glow of conviction" which characterized the Northern clergy, with the "coarse Biblical learning" and the "fanaticism" which were displayed in the Southern churches. But apart from such characteristic vagaries of the author, the fallacious estimates placed by each of the sections on the moral spirit, the political tenacity and the economic resources of the other are most fairly and philosophically considered. In speaking of the reliance which the Southern leaders placed upon slave labor in enabling them to put their whole white male population under arms, Professor von Holst does not notice how inconsistent this is with his theory, made so prominent in other parts of his work, that the South spent a large part of its time shuddering at the possibility of a servile insurrection. He does not make it appear that this possibility entered at all into the calculations of the Secessionists.

The concluding chapters of Professor von Holst's work are, it must be said, rather dreary. That devoted to "Buchanan and the Non-Coercion Doctrine" includes a long-winded polemic against Attorney-General Black's constitutional law, and against Buchanan's character and conduct in general, and his biographer's defence of him in particular. On the question of constitutional law, the pro-

fessor is ingenious and, assuming with him that the constitution was national in origin and essence, he is triumphant. But Black and Buchanan started from a wholly different assumption. As to the president's actual conduct, it is not difficult to prove that he was lacking in resolution. But the author makes no allusion to an important element of weakness in his position. A combination of Secessionists and Republicans in Congress could have impeached him. That a successful use of force against the South would have precipitated a movement in this direction, can scarcely be doubted. The general attitude of the Republicans certainly gave no assurance that they would not join such an enterprise, and in view of the prevailing incredulity as to the South's earnestness in withdrawing, Northern public sentiment could not be depended upon to sustain the president. There surely was something in these considerations to justify a naturally timid and peace-loving executive in staving off decisive action.

It is an unpleasant duty of the reviewer to call attention now, as was done a dozen years ago, to the unworthy dress in which the American translation of this great work appears. Paper and margins in this volume, as in its predecessors, are all that could be desired; typography and proof-reading are only less wretched than hitherto. The "scarcely vested threats" on page 27 compares very well with the "semi-lateral contract" of a former volume.

WM. A. DUNNING.

La Femme au point de vue du Droit Public. Étude d'histoire et de législation comparée. Par M. OSTROGORSKI. Ouvrage couronné par la Faculté de Droit de Paris. Paris, Arthur Rousseau, 1892.—8vo., 198 pp.

In M. Ostrogorski's discussion of the position of women in local self-government, published in this *QUARTERLY* a little more than a year ago (volume vi, page 677), a fuller survey of women's rights at public law was announced, and the present volume redeems the promise. The rights of women to the throne and to the regency under monarchic systems of government; their admission to political suffrage and their capacity to hold political office; the part given them in local self-government and in the purely administrative services of the state,—all these topics are examined from the historical and the comparative points of view. In the last two chapters the author considers, under the head of "individual public